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Promotion and protection of human rights: implementation of human rights instruments

Letter dated 23 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement delivered by the representative of the Russian Federation during the nineteenth meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women under the agenda item entitled "Other matters" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the seventieth session of the General Assembly under agenda item 72 (a).

(*Signed*) Petr **Ilichev**
Chargé d'affaires a.i.

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Annex to the letter dated 23 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement delivered by the representative of the Russian Federation on 21 June 2016 during the nineteenth meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women under the agenda item entitled "Other matters"

In accordance with article 21, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, I would like to make a statement about the concluding observations of the Committee on the Elimination of Discrimination against Women, following its consideration, on 27 October 2015, of the eighth periodic report of the Russian Federation on the implementation of the Convention (CEDAW/C/RUS/CO/8).

First of all, a number of the Committee's concluding observations are biased in nature and look like political pressure. This was most apparent in the section on "Women and peace and security" (see paragraphs 29 and 30).

Secondly, we cannot agree with the conclusions of the Committee that are based on speculation and unbalanced assessments and which inherently seek to promote contentious concepts that do not enjoy support from the majority of States regarding the rights of so-called sexual minorities and the need for comprehensive education on sexual rights (see paragraphs 31, 32 and 42).

Thirdly, in accordance with established practice, the Committee's concluding observations should not include passages that were not discussed during consideration of the report. This concerns, in particular, the observations contained in paragraph 49 regarding acceptance of the amendment to article 20 (1) of the Convention and in paragraph 51 on the realization of gender equality throughout the process of implementation of the 2030 Agenda for Sustainable Development. It is also regrettable that the extensively detailed statistics provided by the Russian delegation, not only in the report itself and in the additional information but also during the presentation of its report, effectively went unnoticed by the Committee's experts. In that connection, we consider the recommendations in the section on "Data collection" to be inaccurate (see paragraphs 47 and 48).

Fourthly, the multiple references to various general comments by the Committee and recommendations for their implementation, as contained in paragraphs 8 (b), 10, 12, 18, 22, 28 (a), 36, 46 (b), 48 and 52, are inappropriate. In our view, general comments adopted by human rights treaty bodies are solely the opinion of experts and may not impose on States any obligations additional to those undertaken by them when ratifying or acceding to an international treaty, unless otherwise declared by States on a voluntary basis.

In view of the above, we officially declare that when preparing periodic reports on implementation of the Convention on the Elimination of All Forms of Discrimination against Women we shall continue to be guided solely by the articles of that international treaty.

Fifthly, the observations contained in paragraph 53, in which the Committee's experts encourage accession to the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, also clearly go beyond the Committee's mandate. It is worth pointing out that, pursuant to article 17 of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee was established for the purpose of considering the progress made in the implementation of that Convention.

Our general impression was that many of the conclusions and recommendations were "carbon copies" made by the Committee's experts and did not relate to the actual situation in our country.

From our own experience, we have seen that the treaty bodies, in this case the Committee, are moving away from fulfilling their primary task of providing assistance to States in implementing their obligations under the Convention, particularly in building and enhancing national capacities to promote and protect human rights.

The Russian Federation is fully aware of its international legal obligations to advance the status of women and protect their rights. We note with regret that the openness demonstrated by the Russian delegation and the quantity of information provided had no impact on the unwarranted critical tone or peremptory format of the concluding observations.

In view of this, the Russian Federation wishes to declare that it does not consider itself bound by an obligation to comply with the recommendations of the Committee contained in the aforementioned concluding observations.

Experience of engaging with the Committee has also revealed a number of systemic issues. It will be recalled that, prior to the issuance of concluding observations based on the dialogue, a draft report is sent to the reporting State for the purpose of fact checking. Our practice of sending technical corrections to the Committee shows that our proposals are not being taken into account.

Another serious flaw in the Committee's work is that fact that meetings between its experts and national human rights institutions and non-governmental organizations from reporting countries do not provide interpretation into the requisite official languages of the United Nations. In the case of Russia, for example, the opportunity for representatives of Russian civil society to hold a dialogue with the Committee's experts immediately before the consideration of the report was severely limited because of the language barrier, namely, a lack of interpretation into Russian. That is clear discrimination, since only major international non-governmental organizations can participate in a dialogue with the Committee members under such circumstances. This situation seems to run counter to the principle of multilingualism in the activities of the United Nations, as approved, inter alia, in General Assembly resolution 68/268, entitled "Strengthening and enhancing the effective functioning of the human rights treaty body system".

We would also like to take this opportunity to express our disapproval of the "methodology of the follow-up procedure" developed by the Committee in 2013 (CEDAW/C/54/3). In addition to the Committee assuming the right to assess implementation by States of its recommendations, the follow-up measures involve United Nations country presences in the monitoring and assessment, as well as

additional information from them not provided for under the Convention. Notably, such information from United Nations field missions should not be discussed with States and is essentially confidential. It is hard to understand how this is compatible with transparency or trust. This methodology is a clear example of the experts misinterpreting their role and functions. The Committee is not a court. This treaty body's primary task is not to issue "verdicts" to offenders but, through an open, equitable and mutually respective dialogue, to assist States in the implementation of their obligations under the Convention.

In conclusion, we would like to make a number of additional general recommendations.

Adjustments are required to procedures and arrangements for the consideration of national reports. The misuse of general theoretical questions by experts is an ongoing concern. The absence of limits on the length of statements by Committee members means that, in practice, States do not have the time needed for comprehensive and expert replies.

We believe that it is advisable to maintain the current procedure, whereby States prepare periodic reports on the implementation of their international obligations, before analysing the effectiveness of an alternative reporting procedure by providing answers to the questionnaire. The Committee should prepare more concise concluding observations and recommendations following its consideration of the periodic reports, in order for subsequent reports to be more focused and specific.